

10

SPEECH
OF
HON. GEORGE E. PUGH,
OF OHIO,
ON THE STATE OF THE UNION.

DELIVERED IN THE SENATE OF THE UNITED STATES, DECEMBER 20, 1860.

James Madison, who recorded with so much fullness and accuracy the protracted debates of the convention which formed the Constitution of the United States, at the close of his labors, thought it not beneath the dignity of a historian to report an anecdote, scarcely less memorable from the fact that he reported it, than from its connection with two of the most illustrious characters of the time. He tells us, that while the members of the convention were signing the Constitution, on Monday, the 17th of September, 1787, Dr. Franklin, "looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish, in their art, a rising from a setting sun. I have, said he, often and often, in the course of the session, and in the vicissitudes of my hopes and fears as to its issue, looked at that behind the President, without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising, and not a setting, sun." (Madison Papers, vol. 3, page 1624.)

SENATORS! Our millions of constituents, with all the nations of the civilized world as witnesses, are gazing at the lurid sky overhead; fearing, and almost expecting, that the sun which Franklin saw rising behind the chair of Washington, will be at once, and forever, extinguished in midheaven, instead of continuing to shine more and more brightly, if not in endless day, until we, and our children, and our children's children, have perished and been forgotten.

My colleague [Mr. WADE] in addressing the Senate, on Monday last, told us that when he left his home, in Ohio, he had heard of no discontent, and apprehended no evil; that all seemed to be quiet and prosperous and cheerful. Such was not my fortune, nor was such the condition of the people with whom I reside, and whom I more especially represent. On the contrary, for a month past, in the city of Cincinnati, we have listened, from day to day, while strange tempests gathered and muttered above us. It is a year of plentiful harvests, and yet all the departments of our trade and industry are obstructed, and all our energies are paralyzed. Laboring men find no employers; merchants have no customers; and property of every description is depreciated almost beyond example. The credit and the confidence of a great commercial center have sustained some shock of unwonted violence. My colleague cannot persuade me, therefore, that all is well, and that those who are alike his constituents and mine, in the southern portion of Ohio, have only to fold their arms and assure themselves that no mischief is about to happen.

As to the causes of so much calamity, if the resolution proposed by the Senator from Kentucky [Mr. POWELL] had been adopted at once, and as my distinguished friend from Illinois [Mr. DOUGLAS] pertinently suggested, in a spirit of concord, with no crimination from either side, I would not now allude to them. But my colleague does not permit me thus to remain silent. He has, himself, put the Republican party upon trial; and, without waiting for any attack, has challenged the entire Senate to say wherein the

leaders of that party are at all responsible for what has occurred, or what may shortly occur; announcing, in the same breath, that he, at least, has no terms of compromise to propose or to accept.

He assumes that, inasmuch as it never had the administration of our Federal Government, the accession of his party to power, on the 4th of March next, can afford no reasonable ground for complaint. Certainly, sir, that is no ground of complaint; but it is, and may well be, ground for apprehension and alarm. The very fact that a political party has attained control of any Government, for the first time, is enough to provoke inquiry and uneasiness. That must be the case in regard to all parties; and it is especially the case when, as we have been told so frequently, here and elsewhere, all past maxims of administration are to be dispensed with, and all past usages abolished.

But the real cause of apprehension, as my colleague must be aware, lies deeper than that. No complaint of injustice or unfaithfulness, heretofore, in administering the Federal Government, is made by the people of the slaveholding States; they have been satisfied with it, or, at least, ninety-nine hundredths of them have been. Their apprehension is, from the conduct of the Republican party in the States of which it has had absolute control, for years past, that it will so administer the Government of the United States, hereafter, as to undermine their institutions, diminish their prosperity, and even destroy their tranquillity and happiness.

My colleague declares that all such apprehensions are unfounded, and that his party does not intend to impair the security or the prosperity of the slaveholding States in any manner. Well, Mr. President, I hope that is so; and in order to prove it—in order that misapprehension may be corrected—I call upon him and his fellow-partisans here, in the Senate, to redress those grievances which have been inflicted, as well as to remove all causes of future uneasiness. Why not express your intention by deeds, rather than by mere words? I do not ask it for the South alone, but for your sake and mine—for the sake of our whole country, and of generations unborn. You have elected a President of the United States; and, as I dare say, expect much at his hands. I wish him to enter upon the duties of that office, not merely without opposition, but with the entire confidence, the cordial good wishes, of the people, South and North, whose Chief Executive Magistrate he aspires to be.

My colleague is of opinion, however, that the invincible distrust of the Southern people in him, and others like him, is due to the false accusations of certain Northern men; that if they would only listen to Republican orators, or even read Republican newspapers, their minds would be altogether disabused. The Senator from New Hampshire [Mr. HALE] was greatly troubled, also, about these same Northern men; speaking of them, if I recollect rightly, as "traitors" to their own section. Well, Mr. President, as I do not see that Senator in the Chamber, I will not say what otherwise might have been appropriate. But the fact that any Northern man is a "traitor" to his own section, in the estimation of the Republican leaders, merely because he defends the rights of the Southern people—as he supposes them to be—under a form of government in which the South and the North have common interests; what accusation could be made against the Republican party, in the ears of a Southern audience, or any audience of fair-minded men, anywhere, more condemnatory than that? And why should a citizen of Alabama credit me, for example, more than he credits my colleague? He has accused me, and those who act with me, politically, in the State of Ohio, as much, at least, as we have ever accused him and those who support him. What means of gaining credence have we, in the South or elsewhere, to which he and his followers have not equal access? He cannot be ignorant of the fact, that the opponents of the Democratic party, in every Southern State, were his political allies when he belonged to the Whig party, and never were mine. Nor can he shut his eyes to the fact, that rather than unite with me, and with the Democratic party of Ohio, in the late Presidential canvass, a large majority of Democrats in every slaveholding State, except Missouri, voted for other candidates. What absolute folly, therefore, to pretend that the South can be any more prone to believe my accusations against him, except from their intrinsic truth, than to believe his accusations against me!

Why, sir, the whole Senate listened to the speech of my colleague on Monday last. Those Senators who represent the slaveholding States; do they not hear him and his fellow-partisans from day to day and from year to year? Is there no record of his votes, no report of his sayings, here and elsewhere? Cannot the Southern people read a Republican newspaper, if they wish, as readily as any other? Ah! sir, the South has read and heard and seen too much: it may not agree, and occasionally does not, in my opinions; but as for my colleague, having known him for the last nine years, as a Senator in Congress, they regard an Administration over which he can exercise influence with absolute abhorrence.

But, gentlemen of the Republican party, what has ever been said of you, by the Northern Democracy, that you would now deny? Give me the specification. Do you deny that you are in favor of excluding the Southern people from all the Territories of the United States, except on condition of leaving their slaves at home? Do you deny that you are in favor of such exclusion, even where the inhabitants of the Territory oppose it? My colleague avowed that, distinctly, in his speech of Monday last. Do you deny that you are in favor of surrounding the present slaveholding States with new States and with Territories from which slavery is thus excluded? And what can be your purpose, in all this, unless it be to render the institution of slavery so insecure, in the States where it now exists, as to compel them, by an instinct of self-preservation, to emancipate their slaves? Did not my colleague boast, in his speech, that when the slaveholding States had seceded—if, unfortunately, they ever should secede—from our present Union, and formed another union of their own, he and his Republican allies would conquer, or else annex, the remainder of Mexico, and thus secure a government better than we now have—a government “more magnificent, more powerful, and more just” than the world had ever seen? Whether the free-negro colonies which my colleague proposed to establish, in Central America and southern Mexico, were to be the subjects of or equal participants in this new government, I did not exactly understand.

Do you deny that you are unfavorable to the execution of the several acts of Congress, now in force, for the re-delivery of fugitive slaves? What mean those various acts of legislation, in nearly all the States which you control, referring to that subject? They do not, perhaps, directly assail the right of a master to the service and labor of his slave; but their manifest design is so to encompass every claimant with penalties and snares and pitfalls, on every side, that he will abandon his claim under the Constitution and laws of the United States, rather than assume such risks in pursuing it.

Do you deny that, in the States which you control, you are in favor of conferring the right of suffrage, with all other political rights, upon negroes and mulattoes? No such legislation prevails in any State which you do not control. I do not say that it now prevails in every State which you control, but certainly it prevails in most of them. It is a distinct feature of your partisan policy; so much so that, in the State of Ohio, despite the language of our Constitution and laws, written as plainly as language could be written, your partisan Court has, within the last twelve months, conferred the right of suffrage upon a sufficient number of persons tainted with African blood to control the result of our last October election.

These are all the accusations I have brought against you; and I have made them—not to the people of any Southern State, whom I seldom address, but to my own constituents—to the free and qualified electors, of Caucasian blood, in the State of my birth and residence. I shall repeat them, knowing them to be true, year after year, as long as I live, or until you repent of such enormous and shameless transgressions.

A few words more, Mr. President, in regard to those personal liberty bills. I have characterized them sufficiently in general terms; they are of little, if any, practical effect or operation. The State of Vermont, where, according to the confession of her Senator [Mr. COLLAMER] there has not been a fugitive slave in forty years, found it necessary (as he would persuade us) to enact a law of stringent penalties, lest, perchance, a slave might be reclaimed, within her limits, otherwise than as the acts of Congress prescribe. What could be the motive for such an enactment? Nothing, sir, nothing, unless it be to insult the feelings and outrage the sentiments of our fellow citizens in the Southern States. The Senator acknowledged that it could have no other intention; because he acknowledged, almost in terms, that no human being, white or black, would ever come within the operation of such a law. In the border States, like my own, whenever such legislation has been attempted, except in a few notorious localities, the people, of all parties, thoroughly despise such pitiful, quibbling, and tricky schemes, and therefore do not observe them. For example: in 1857, a Republican Legislature of Ohio enacted that if any person should bring a slave into the State for a single instant, even with the slave's consent, he or she should be punished with fine and imprisonment. More than a thousand persons violated that act, in the city of Cincinnati, within less than six months; but nothing came of it. They went from Cincinnati in every direction, through the State, seeking places of sojournment for the summer. What decent man would enforce any such law? Suppose that some mother, carrying her infant from the heat and peril of July or August in Louisiana, should fly to a place of refreshment in Ohio, and having no other nurse (as, in Louisiana, they have not) should be accompanied by some faithful slave: where is the man—for I know that my colleague would not—who would subject that mother to fine and imprisonment? Yet, sir, gentlemen like the Senator from Vermont [Mr. COLLAMER] and my colleague, who profess devotion to the Union of the States, and would not violate the courtesies of daily life, adhere to a

political party which thus reduces an act of mercy to the grade of arson, rape, and robbery, and threatens outrages which, by the comity if not the law of nations, would furnish a justifiable cause of war.

Those bills, I repeat, have no practical operation; but they exasperate our fellow citizens of the Southern States by exposing them and their institutions to derision. I accede, therefore, and fully, with the venerable and eminent Senator from Kentucky [Mr. CRITTENDEN] that, first of all, as an obvious duty, not so much to the Southern people, as because it concerns our own decency and honor, we, of the non-slaveholding States, should expunge from our statute-books, at once and forever, all such enactments. The Democratic party of Ohio discharged that duty, plainly, faithfully, and nobly, two years ago. What we have to fear at present is, that the Republican Legislature about to re-assemble at Columbus, on the first Monday of January, will restore what has been expunged. My colleague promised the Senator from Georgia [Mr. TOOMBS] last winter, in so many words, that those laws should be restored. I wait to learn whether his party will sustain or repudiate him.

My colleague said, also, that I had testified "magnanimously" to the fidelity of the Republican party in respect to the restoration of fugitive slaves. He does me honor over much. I intended no such testimony, and do not, if that be its price, deserve his compliment. I did reply to an extravagance of the Senator from Georgia [Mr. IVANSON] last week, when he declared that the fugitive slave act had not been, and could not be, executed in any non-slaveholding State, unless by force of arms; because I thought an assertion of that sort, uncontradicted, might aid in exciting the people of Georgia at a time of already too much excitement and alarm. They might well credit, if that were allowed to pass without challenge, an assertion that the people of the Northern States had lost all honesty and truthfulness. I told the Senator from Georgia, therefore, that a large majority of the people of Ohio were, this day, in favor of a strict and faithful execution of the fugitive slave law; but I did not tell him, and never imagined for one instant, that a majority of the Republican party were. No, sir; a minority of the Republicans, with all the Democratic party in Ohio, and all the Americans or Union men, are so; and our strength is principally in the southern and central portions of the State. I erred, and, strangely enough, will convict myself in that, when I told the Senator from Georgia we never had more than one mob, in Ohio, resisting the execution of that law; because there was another case, at least, in which I was retained as counsel, beside the one to which I alluded. The fact escaped my recollection at the instant; but the law was, nevertheless, carried into substantial effect. The point of my allusion to the Supreme Court of Ohio, in what is commonly known as the Oberlin case, was not that the Republican party, but three out of five judges, in spite of their partisan affinities, obeyed the law. My colleague has not forgotten the sequel of that decision, nor how the Republican party, in State convention, with himself as presiding officer, in less than a week, dismissed the chief justice, Joseph R. Swan, from any further employment. The gentleman nominated and elected in Judge Swan's place is, I believe, in favor of executing the fugitive slave act; but no thanks to Republican leaders and managers—they did not know it at the time of his nomination. Now, sir, my colleague, having officiously called me to the stand as a witness, can make the most—he cannot deny it—of what I have testified.

With respect to fugitives from justice—of which so much has been said—I will make one observation. The behavior of Governor Dennison, in refusing to comply with the requisition of Governor Magoffin, is utterly indefensible; but the Senator from Kentucky [Mr. POWELL] attaches entirely too much importance to the case. It is not the first case of that kind, nor the second, nor the fiftieth. On the contrary, in most of the States, a miserable habit has grown upon Governors of sacrificing the plainest obligation of their duty, under the Constitution of the United States, to appease some local and perhaps temporary excitement. Instead of observing, as every one of them ought to observe, that the Constitution is a treaty of universal extradition, and that each State is under the most solemn compact to assist in executing the laws of every other State, so far as fugitives are concerned, the Governors and even the Courts of nearly all the States seem to have arrived at the conclusion that a fugitive from justice shall not be surrendered, upon constitutional demand, unless the crime with which he has been charged is cognizable at common law, or is alike a crime in the State of refuge and in the State from which he fled. It is wholly indefensible, Mr. President, in every case; and New Jersey is the only border State, so far as I recollect, which has truly discharged her obligation in this particular. But now, if we should be able to amend the Constitution at all, I trust that my honorable friend from Kentucky [Mr. CRITTENDEN] under whom I have enlisted for this campaign, will propose some words of amendment so plain as to obviate all such unseemly controversies hereafter.

Thus much, sir, because if I had not corrected my colleague, I should have appeared in a false position. I did not interrupt him, on Monday last, because others interrupted him too much, and hardly allowed him to develop, as he might otherwise have done, the whole scope of his argument.

My colleague declared, also, that the Republican party had taught no new doctrine with regard to the subject of slavery in the Territories. Suppose that were all true; suppose, after ever so long an acquiescence in its policy, or ever so cordial an approval, the people of fifteen States had now ascertained, for the first time, that such a policy must be injurious to them, to their interests, to their future prosperity: what reasonable objection has my colleague to assign (or any one else) for not rendering the Union as beneficial to those States as it can possibly be rendered, without injury to others, in any respect whatsoever? But the declaration of my colleague is not true. The policy of our Confederation, from the beginning, has been to allow the slaveholding as well as the non-slaveholding States an equal opportunity for colonization and development. The Senator from Massachusetts [Mr. WILSON] shakes his head. Well, sir, I understand the history of our country quite as well as he does; and I say that it was determined, in 1787, by the legislative action, or, at least, the legislative tendency of the several States, that the line between Delaware, Maryland and Virginia upon the one side, and Pennsylvania upon the other, would be a line of separation, indefinitely, between the slaveholding and the non-slaveholding States of the Confederacy; and that suggested the Ohio river as a fixed and natural boundary westward to what was then our westernmost line of limitation. The territory northwest of the Ohio river was devoted to colonization from the non-slaveholding States, or those about to become such; while Kentucky, then part of Virginia, but expecting soon to be a separate State, together with the territories now embraced by Tennessee, Mississippi, and Alabama, remained to slaveholding immigration and settlement. Afterwards, at the time of the Missouri compromise, in March, 1820, President Monroe yielded his doubts in regard to the constitutionality of that arrangement, because it carried into effect, substantially, what the original States had themselves ordained. It was, in truth, a partition of territory between tenants in common. And now, the Republican party, which has ever justified its own origin and existence, and, more than all, its intensely sectional character, by arguments drawn from the abrogation of the Missouri compromise line, in 1854, must either accept the proposition of my distinguished and venerable friend from Kentucky [Mr. CRITTENDEN] or confess it itself a delusion and a snare from the commencement. I accept his proposition, and in good faith, shall vote for it. Yet, sir, except the Senator from Connecticut, [Mr. DIXON,] who addressed us so pertinently and so eloquently, and with such honor to his constituents, in the early part of last week, I have not heard one man, upon the Republican side of this Chamber, pronounce a syllable of approbation, or even of compromise. Senators, it is time for you to speak; and may God grant that you will speak wisely for yourselves, as well as for me!

Why cannot we, of the non-slaveholding States, consent, immediately and cordially, that the slaveholding States of the Union shall have as ample scope and verge, proportionable to their numbers, as we have, for the development of their form of civilization? If you, Republicans, believe (as I do not) that there is any antagonism between their civilization and ours, within the same organized community, then divide the public domain, and allow them, as well as ourselves, equally and separately, to have room. Our present Territories are large enough, and most of them are uninhabited; but, if you think otherwise, we can purchase or conquer more. You must either agree with me, or you must answer me, distinctly, this great question: Is the institution of African servitude, as it now prevails in the Southern States, so hateful to you, so barbarous and sinful in your estimation, that you cannot suffer it to exist, with your tolerance, anywhere? If so, how can we ever hope for peace in a Union of slaveholding and non-slaveholding States? It is impossible that two great sections, the one fervently attached to an institution which the other so much abhors, can arrive at any terms of conciliation. You cannot adopt that alternative, therefore, without expressing yourselves Disunionists in principle and Disunionists at heart.

The question becomes very material, also, in view of another clause in the proposition which my venerable friend from Kentucky [Mr. CRITTENDEN] has submitted, namely, that Congress never shall prohibit the existence of African slavery in the forts, arsenals, and dock-yards, situated within the limits of a slaveholding State; and shall not abolish it, in the District of Columbia, so long as the institution prevails in the adjacent States of Maryland and Virginia, nor, even when they shall have abolished it, except with the consent of the people residing here, and upon terms of just compensation. If you can agree to that proposition—as I hope you will—you can agree, by the very same argument, to divide our common Territories between slaveholding and non-slaveholding

civilization. Do not attempt to avoid me, Senators, even in the secrecy of your own hearts. What you have to decide now, and to decide for all time, is whether, in your estimation, slavery is or is not so hateful that you are under a conscientious obligation to abolish it, or prevent it, wherever you have the power. If yea, the Union is now dissolved; it never, in fact, had any but a nominal existence.

Observe, Senators, if this be your doctrine, that you are only absolved, in the light of your own consciences, from the duty of abolishing slavery in the States where it now exists, by the fact you have no constitutional power respecting it. But is it not your duty, under such admonitions of conscience, to divide the large States, New York, Pennsylvania, and Ohio, or by the admission of new States, with or without adequate population, to arm yourselves, through an amendment of the Federal Constitution, with whatever powers may be requisite?

I propound to you this alternative, as deciding the whole controversy in the simplest terms. It includes everything, and puts everything to an immediate and decisive and eventful issue.

My colleague said that the character of Mr. Lincoln, the President elect, from his youth upward, ought to afford a sufficient guaranty that he would never infringe, by his administration, the rights or the security of the people, South or North, in any particular.

Well, sir, I know nothing to Mr. Lincoln's personal discredit; I hope well of him, and even desire to think well of him. But I must be permitted to say, despite all this, despite the assurance of my colleague, that, singularly enough, Mr. Lincoln is the most obscure man ever elected to the Presidency of the United States. He may be an excellent man, worthy in all respects, but he has had less experience in public affairs, and is less known to the country at large, than any of his predecessors. My colleague may have learned Mr. Lincoln's character since the nomination at Chicago; but I think it safe to affirm that, of the million who voted for him, in November last, ninety-nine hundredths never heard of him until his contest with my friend from Illinois [Mr. DOUGLAS] about two years ago.

Mr. WADE. I ask the Senator whether he had well studied Mr. Buchanan's character before he voted for him?

Mr. PUGH. Yes, sir, I had; but where is the pertinency of such a question?

Mr. WADE. I only wished to know.

Mr. PUGH. Mr. Buchanan had a record of more than twenty-five years of public service. I voted for him, therefore, without the least hesitation; but when my colleague demands that I shall accept Mr. Lincoln's character, not as an individual, but as a public man, I may well ask what has he ever done or ever said? Mr. Lincoln may be the wisest man of our age—I do not deny it, because I know little of him; he may be, for aught I know, an angel in disguise; but of thirty millions of people, North and South, whose Chief Magistrate he is to be, nine hundred thousand in each million never heard of him until the Senator from Illinois rendered him suddenly famous. Mr. Lincoln must approve himself in the future, consequently, and not from the past. If the convention at Chicago had nominated my colleague, for instance, or any other Senator upon that side—I do not wish to engage in your quarrels, and am only speaking in supposition—I might have known what to expect. As the matter stands, at present, the character of Mr. Lincoln, whatever his character may be, affords no guaranty at all. He was the least notable of all the aspirants for the Chicago nomination; and that, I imagine, secured his ultimate success.

But, sir, except Mr. Lincoln's extraordinary luck, in thus securing a Presidential nomination, and afterwards (by what causes I need not specify) an election, I know nothing to his particular credit or discredit, as a politician, except the paragraph quoted by the Senator from Oregon [Mr. LANE] yesterday afternoon. That may be, and is, very essential in connection with what I have just inquired. In a speech, delivered upon sufficient deliberation, at a State convention of his party, in Springfield, Illinois, on the 17th of June, 1858, Mr. Lincoln used language which now requires, at least, some explanation. He referred to what is called, in ordinary parlance, the slavery agitation. He said:

"In my opinion, it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this Government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the future spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

Mr. Lincoln spoke here, indubitably and entirely, of slavery in the States where it now exists. We have no question respecting the extension of slavery into Territories inhabited or uninhabited. Mr. Lincoln compares our Federal Government to a divided house, which, in his opinion, cannot stand. Now, sir, what divides our house? Only the ex-

istence of slavery in some States and its non-existence in others. That division always existed; it existed at the first hour of the Federal Government, when merely eleven States, out of thirteen, had ratified our present Constitution. It will continue to exist as long as there is one State, in the whole Union, maintaining the institution of slavery while others do not. It is not a question, therefore, whether the institution of slavery shall or shall not be extended into Territories now free; my colleague might as well abandon such disputations. The division of which Mr. Lincoln speaks, in our house, always existed; and, in all human probability, if the house should stand, will continue forever. Mr. Lincoln confesses, in terms, that it is slavery which divides the house.

"I believe [said he] this Government cannot endure, *permanently*, half slave and half free."

That is a curious style of adjective, and I give him credit for its invention.

"I do not expect the Union to be dissolved; I do not expect the house to fall."

Why not? Why should not our divided house fall in pieces? Why does not a Government which cannot endure permanently, and therefore must fall, now fall at once? Mr. Lincoln avoids the logical conclusion of his own premises in a simple, and if true, a conclusive manner. That is, to extirpate slavery wherever it now exists.

"I do not expect the house to fall, but I do expect it will cease to be divided."

How can it cease to be divided? Only, as all must answer, by the emancipation of slaves within the States where they now exist. The division cannot cease in any other way; and Mr. Lincoln, with a boldness which I admire, confesses the fact.

"It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of *ultimate* extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

Mr. Lincoln precludes all this by a sentence which I have once read, and now read again:

"In my opinion, it will not cease until a crisis shall have been reached and passed."

Senators, we are in that "crisis" now; we are passing through it. The "crisis" of Mr. Lincoln has come on us, and upon the whole country, by the fact of his election. It is for him, consequently, and for his political supporters, here and elsewhere, to affirm or to repudiate the doctrine which I have just elaborated. I implore you, Senators of the Republican party, for your own sakes, for the sake of your wives and children, as well as mine, for the sake of our country, North and South, to unite with the Senator from Kentucky [Mr. CRITTENDEN] in terms of honorable conciliation and settlement. I am no partisan; I was once; but, as you all know, my party is distracted, and I fear hopelessly destroyed. I ask you to give the people of the slaveholding States additional guaranties—such as they ought to have, under the Constitution of the United States, and such as it is eminently proper, in the circumstances, that you should propose, or, at least, should accept.

Heretofore, under the administration of other Presidents, and of all other parties, Federal and Republican, Whig and Democratic, slavery in some of the States has never been thought so to divide our national house that it should, necessarily, either be abolished or extended. It has been regarded as a subject of local concernment; and, so far from estimating it as a source of weakness, all parties have heretofore concurred in estimating it as an essential element of strength.

My colleague objects that the complaints of the Southern people are indefinite, and their apprehensions extremely vague. Perhaps so; but the question ought to be not low an account can be settled between them and us, as between two hucksters, but whether, in a spirit of amity, of generous earnestness, ay, sir, in a spirit of wisdom, we will now redress complaints which, although indefinite, are not unfounded, and soothe the apprehensions which are all the more dangerous because they are inexpressible commend my colleague to these words of a man who wrote as elegantly as he thought profoundly:

"As for discontentments, they are in the politic body like to humors in the natural, which are apt to gather a preternatural heat, and to inflame; and let no prince measure the danger of them by this, whether they be just or unjust, for that were to imagine people to be too reasonable, who do often spurn at their own good; nor yet by this, whether the griefs whereupon they rise be, in fact, great or small; for they are the most dangerous discontentments, where the fear is greater than the feeling: *Dolendi modus, timendi non* item. Besides, in great oppressions, the same things that provoke the patience do withal mate the courage: but in fears it is not so. Neither let any prince or State be secure concerning discontentments, because they have been often, or have been long, and yet no peril hath ensued; for as it is true that every vapor or fume doth not turn into a storm, so it is nevertheless true that storms, though they blow over divers times, yet may fall at last; and, as the Spanish proverb noteth well, the cord breaketh at the last by the weakest pull."—*Bacon, Essay on Seditions and Troubles.*

In this case, also, the people of the slaveholding States are under greater apprehension for the future than resentment for the past. I ask you of the Republican party,

therefore, to express, by some constitutional amendment, what you are now so profuse in declaring by speeches. You must do that; nothing else can be effectual, or give any satisfaction. Do not flatter yourselves because there have been controversies respecting slavery in time past, and these have been safely settled. We are now at an end of such controversies, one way or another. Mr. Lincoln's election may be no substantial grievance; but remember the Spanish proverb, and beware lest that prove "the weakest pull" by which, at last, the silver cord of our Union is broken forever.

Senators! I do not wish to offend you, but I assure you that a vast responsibility is upon your shoulders, and you cannot escape it. Why should you not join the rest of us in some reasonable plan of adjustment and conciliation? You have the power, this day, to save or to destroy the Government. You represent a victorious party, and can afford to be generous. All other political organizations have been shivered to fragments within the last twelve months, and to that, more than to any other cause, your success is due. You are about to become the Administration party, and may, if you act wisely, continue in power for a long time. But you cannot continue as you have commenced.

The subject of slavery must cease to be a subject of partizan dispute. It involves questions too dangerous to be longer agitated. If we do not settle this controversy now, and upon a fair basis, it will find a solution of its own, and at our expense.

Mr. WADE. We are to be on bail for good behavior, I suppose?

Mr. PUGH. Well, sir, what is the objection to your giving such bail? It cannot be forfeited while your good behavior continues.

Mr. WADE. Not till you break the peace.

Mr. PUGH. The peace has been broken already, and you must aid us in restoring it. If you intend to behave well, for the next four years, you can have no reasonable objection to giving bail; if you do not, there is all the more necessity for it. Here is a controversy comparable to none other. If your party had no mission except to wage it, for six or seven years past, your party is now dead. You have gained a victory; but by the very necessities of the case, that victory must be the last. You cannot proceed another step in that direction; whereas, by disposing of the controversy at once, and before Mr. Lincoln's term, you will have an opportunity for initiating other and more profitable issues. The advantage of a party in administration is that it can choose the best side of every new question; the opposition must take the other side, or decline any contest. You have it in your power, Senators, thus to found a great political party; but if you adhere to the policy which my colleague announced, there will be nothing left, of all your strength, in two years.

Consider, also, the imminency of this crisis. The telegraph may report, in five minutes, that one State has abandoned our Confederacy; abandoned it, at all events, as far as she can. Five other States, Alabama, Florida, Georgia, Mississippi, and Louisiana, are soon to choose delegates and assemble conventions, in order to follow in the path by which South Carolina has gone. Arkansas and Texas, I doubt not, will join them. The Legislature of North Carolina is now in session, and has taken measures to arm and equip the militia of that State for immediate service. The Legislatures of Virginia and Tennessee have been summoned by the Governors of those States, and will be in session very soon. Is it not your duty, as men upon whom the responsibility of administration will be devolved in less than three months, to avoid now, by conciliation, what you may not be able to avoid, hereafter, even by drawing the sword? It would be a crown of honor to any man, for all his life time, that he had relieved such earnest apprehension, and given peace to so many thousands.

My colleague declares, however, that the day of compromise is past. Then, sir, the day of Union is past; for the Union was founded upon compromise, and cannot be maintained without compromise. The most essential provisions of the Constitution are compromises; the Government itself, in all its shape and proportions, is a vast compromise. One of the noblest legacies bequeathed to us, by the Father of his Country, is the letter with which he communicated the Constitution of the United States to the old Congress of the Confederation; and from that, let us ascertain the principles upon which the Constitution was inaugurated:

IN CONVENTION, September 17, 1787.

Sir: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money and regulating commerce; and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trusts to one body of men, is evident. Hence results the necessity of a different organization.

It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on

situation and circumstances, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected, and thus the Constitution which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected: but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your Excellency's most obedient and humble servants,
 GEORGE WASHINGTON,
President, (by unanimous order of the Convention.)

Those gentlemen, upon both sides, who declare that the day of compromise is past, avow sentiments clearly unconstitutional; for it was by means of compromise and conciliation, regard being had to all the States, and to their different habits, interests, and situation, that the Constitution was formed; and in that spirit, at all times, should the legislation of Congress proceed.

But my colleague complains of the weakness of past compromises; and the Senator from New Hampshire, taking up the piteous tale, wished to know whether, in case the proposition of my honorable friend from Kentucky should be adopted, it would be more or less sacred than the act of Congress by which the Missouri compromise line was first established. Mr. President, I will not engage in crimination on this subject; but, granting the truth of all that my colleague and the Senator from New Hampshire have said, now answer: *Let us revive the Missouri compromise in all its principle and effect; let us put it into the Constitution of the United States; and let us declare that it shall be unalterable, except by the consent of all the States.* We shall thus avoid the weakness of which my colleague complains, and restore to the Senator from New Hampshire the lost one for whom he has mourned.

But my colleague says that he will not amend the Constitution of the United States, because it is quite good enough for him. I doubt not; it is good enough for me, also, or any one else. But, sir, there is a vast difference between altering the principles of our Constitution and merely supplying such omissions as time and actual experience have disclosed. That is necessary, oftentimes, in order that the principles may be preserved, or, at least, be carried into full effect. The whole subject of Territorial government is extra-constitutional. It was not foreseen, in 1787, that our domains would extend from the Atlantic to the Pacific ocean; and, therefore, no provision was made respecting the government of Territories or colonies.

In regard to the redelivery of fugitive slaves, the fault is not in Congress, or anywhere in the Federal Government; it is that some of the States have aggressed upon the terms of compact, as well as upon the rights of their confederates. The Constitution lacks a power of self-vindication in that particular.

It appears to me that the proposition of my honorable friend from Kentucky ought to be accepted, at once, by both sections, by all parties, and even fragments of parties. The Northern States, for which the Republican party claims to speak, desire Territories suitable to free labor, and from which slavery is excluded. The proposition complies with that demand. The Southern States desire colonies also, and that property in slaves shall be rendered secure while the Territorial organization continues. Both demands are granted by the proposition. In addition, the two forms of colonization are so separated that there never can be any conflict between them. I hope that the Senator from Kentucky will express his proposition in such words as that it will execute its own purpose, and exclude all legislation by Congress one way or another. I never wish to hear of the subject again in these halls.

My honorable friend from Illinois [Mr. DOUGLAS] will thus obtain the principle of non-intervention by Congress with slavery in the Territories. The whole question will be taken hence; and, at last, after more than forty years of tribulation, of unseemly quarrels and wrangles, in this House and in the other, we may hope for eternal peace. I obtain "squatter" sovereignty, also, by the proposition; although that, I hope, will not prejudice the Senator from Texas [Mr. WIGFALL] against it. The Territorial Legislatures of Nebraska and Kansas, upon the one side, and of New Mexico, including Arizona, upon the other, have provided, by their enactments, precisely what is here declared. Thus all ought to be satisfied, and an end of controversy made. The adjustment will not be disturbed in our time, and probably never.

My colleague thinks it would be dishonorable in Mr. Lincoln's friends to accept terms of compromise before his assumption of the Presidential chair. I think not. The question is not so much whether a compromise shall be made before or after Mr. Lincoln's inauguration; as whether, at this session of Congress, in view of so much agitation and alarm throughout the country, in view of a long recess from the 4th of March until the first Monday of December next, in view of the fact also that this compromise, if it should be adopted here, will require ratification by the Legislatures or by Conventions of the several States, we will now commence the good work of conciliation and peace. Mr. Jefferson did not think himself dishonored because his own election, in 1800, disclosed a defect in the Constitution. On the contrary, at once, and with his approbation, measures were taken to amend it.

I shudder, Mr. President and Senators, at the evil times on which we have fallen. To-day, as I said, or at farthest to-morrow, the State of South Carolina will separate from our Union, so far as she has any power of separation. Five, and probably seven, other States will follow her in less than a month. Is that all? I know not; God only knows. We may acquiesce in the separation of six, eight, or twelve, States; acquiesce peaceably, and make such division as we choose, or can make, of the property owned by all the States in common. That happens ordinarily with persons who cannot be reconciled. Or, and that is what I hope and fondly desire, we can so adjust all controversy in regard to fugitive slaves, in regard to slavery in the Territories, in regard to the protection and domestic tranquillity of the slaveholding States, as to prevent farther separation. We may retain all the States, except South Carolina, and in time, if not immediately, win her back. She has acted rashly, and, I might almost say, ungovernably; but she has acted in a moment of overwhelming apprehension. Or, last of all, we can wage war on South Carolina, and on every other State which secedes. The Senator from Illinois [Mr. TRUMBULL] inquired this morning who had proposed to make war? Well, sir, war generally makes itself, and before the parties intend it. Congress may declare war, may declare that war actually exists, or shall exist; but the shedding of blood is scarcely an affair of so much calculation.

It is not of the slightest consequence, in my estimation, whether we send the Army of the United States to disperse the Legislature or the Convention of South Carolina, or, as I understood my friend from Tennessee [Mr. JOHNSON] to propose on yesterday, send it to carry the mails in that State; whether we make hostile demonstrations against the city of Charleston, or insist on levying taxes from a people who do not, and will not, obey our Government. It can make no difference. We are not children; and we ought to be men of practical sense. Why endeavor to disguise a fact with mere words? I care not whether you call it coercion, or collecting the revenue, or defending public property, or enforcing the laws; you know, and I know, that it means war; and that war will follow it. South Carolina will be supported by other States, and, in a little while, by all in which slavery exists. I call upon you, Senators, from the Northern and from the Southern extremes, to remember those of us whose homes and families are upon the border of the slaveholding and non-slaveholding States. Assist us in averting a calamity which must fall chiefly upon us: you may reason upon the subject, we cannot.

Mr. President, I do not engage in the discussion whether or no South Carolina, or any other State, can rightfully secede from the Confederation. I will not stretch forth my hand rashly to draw aside the veil behind which I know there stands the Atlas of STATE SOVEREIGNTY supporting upon his shoulders alone the entire firmament of our Federal system. That giant has been mute for nearly the life of a generation; but if you will listen, he seems to move uneasily, and as if he were about to speak. I do not wish to hear his voice; it is the voice of the earthquake or the avalanche. Instead of putting aside the veil which now hides him, I content myself with reading the inscription, which should warn every man not to intrude, unnecessarily, into those sacred precincts:

"The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

If my honorable friend from Tennessee [Mr. JOHNSON] ever has occasion to speak on the subject again, I advise him to look in the Constitution, not for the authority of a State to secede, but for a prohibition of it.

Let us by all means avoid the discussion of such topics; they do not belong to us. In Great Britain, questions of constitutional law are only questions of principle; because Parliament is said to be omnipotent, and a law may be unconstitutional without being void. But in our country of written constitutions and limited legislative powers, we are so much accustomed to compare text with text merely, that we argue the most solemn

issues rather as lawyers than as politicians. The Senator from Texas [Mr. WIGFALL] appealed to me, for instance, to vindicate the constitutional right of South Carolina to secede without being attacked. Well, sir, when South Carolina secedes—as I doubt not she will—what farther interest has she, by the terms of her own argument, in the Constitution of the United States? And if she should thus become, as she claims, a wholly independent sovereignty, I must decide all questions of peace and war without any consideration of her welfare—because she, by her own act, excludes herself from my consideration—and solely with regard to the welfare and interest of the States which remain. It is all a political and not a legal question. No constitution ever included the means of its own destruction; and nine-tenths of the human family avoid making wills or testaments because they abhor the contemplation of death. Whether a State can or cannot secede, and what others may do toward her or she toward them—these are questions behind the Constitution of the United States, and, if I may so say, without irreverence, far above it. They are questions of political science, and not of constitutional construction; questions upon which empires are often dismembered and dynasties overthrown. Our question should be one of avoiding civil war; of restoring brotherhood and peace; of rebuilding the Union upon its former foundations. Why spend our precious moments in abstract disquisition; in citing the text of constitutions and laws; in searching old musty precedents which can have no pertinency in so fearful a crisis? I take leave to doubt, Mr. President and Senators, whether it be the part of wisdom, at any time, to decide upon controversies affecting the life of our Government, or the essential order of society, as if these were questions of customary legislation, or could ever be resolved by processes of strict and regular analysis. An eminent scholar, as well as a profound metaphysician, Sir James Mackintosh, has aptly admonished us on that subject. I commend his words to all who would wisely ponder the issue of our time:

"The causes which the politician has to consider are, above all others, multiplied, mutable, minute, subtle, and, if I may so speak, evanescent; perpetually changing their form, and varying their combinations; being their nature, while they keep their name; exhibiting the most different consequences in the endless variety of men and nations on whom they operate; in one degree of strength producing the most signal benefit, and, under a slight variation of circumstances, the most tremendous mischiefs. They admit, indeed, of being reduced to theory; but to a theory formed on the most extensive views, of the most comprehensive and flexible principles, to embrace all their varieties, and to fit all their rapid transmutations—a theory of which the most fundamental maxim is distrust in itself, and deference for practical prudence."—*Discourse on the Law of Nature and Nations.*

And so, sir, in what I have been accustomed to consider as one of the ablest numbers of the *Federalist*, written by Alexander Hamilton, I find some words more immediately applicable. In exhibiting the defects of the old Confederation, Mr. Hamilton said:

"Even in those confederacies which have been composed of members smaller than many of our counties, the principle of legislation for sovereign States, supported by military coercion, has never been found effectual. It has rarely been attempted to be employed but against the weaker members; and in most instances attempts to coerce the refractory and disobedient have been the signals of bloody wars, in which one half of the confederacy has displayed its banners against the other."

He argues thence the necessity of a new Government which can act upon individuals directly, and anticipates the objection that the Legislature of some State might interfere its authority to defeat the execution of a Federal law. There is, he wisely observed, an important difference between non-action and interposition. If the Federal Government cannot proceed without the assistance of the State Legislatures—as it could not under the Articles of Confederation—mere neglect, or inattention or carelessness, will constantly frustrate all measures of common defense and general welfare; whereas, in regard to the interposition of any State, affirmatively, he thought the instances would be very few, and hardly capable of redress. But you shall hear his own words:

"If opposition to the National Government should arise from the disorderly conduct of refractory or evil individuals, it could be overcome by the same means which are daily employed against the same evil under the State governments. The magistracy being equally the ministers of the law of the land, from whatever source it might emanate, would doubtless be as ready to guard the national as the local regulations from the inroads of private licentiousness. As to those partial commotions and insurrections, which sometimes disquiet society from the intrigues of an inconsiderable faction, or from sudden or occasional illnesses that do not affect the great body of the community, the General Government could command more extensive resources for the suppression of disturbances of that kind, than would be in the power of any single member. And as to those mortal feuds which, in certain conjunctures, spread a conflagration through the whole nation, or through a very large portion of it, proceeding either from weighty causes of discontent by the Government or from the contagion of some violent popular paroxysm, they do not fall within the ordinary rules of calculation. When they happen they commonly amount to revolutions and dismembersments of empire. No form of government can always either avoid or control them. It is in vain to guard against events too mighty for human foresight or precaution; and it would be idle to object to Government because it could not perform impossibilities."

I will refer also to the authority of John Quincy Adams. In his fourth annual message, on the 2d of December, 1828, alluding to the controversy between the United States and the State of Georgia respecting the Cherokee lands, Mr. Adams said:

"The United States of America, and the people of every State of which they are composed, are each of them sovereign Powers. The legislative authority of the whole is exercised by Congress under authority granted them in the common Constitution. The legislative power of each State is exercised by Assembly deriving their authority from the constitution of the State. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and General Government are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed, nor has any provision been made for it in our institutions; as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

"More than once, however, in the progress of our history, have the people and Legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were unconstitutional. The people of no one State have ever delegated to their Legislature the power of pronouncing an act of Congress unconstitutional; but they have delegated to them powers by the exercise of which the execution of the laws of Congress within the State may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both which must be victims."

My friend from Tennessee laid great stress upon the authority of Jackson. In the farewell address of that eminent chieftain, March 3, 1837, I find a paragraph worthy to be forever remembered:

"But the Constitution cannot be maintained, nor the Union preserved in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear, one to another, as members of one political family, mutually contributing to promote the happiness of each other. Hence, the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceeding within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of the people of other States to cast edum upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition of the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves, for a moment, that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation."

One more authority, Mr. President, and for my colleague's benefit. Others may object to it, but he cannot. On the 11th of June, 1858, the Senator from Georgia [Mr. TOOMBS] engaged in some discussion with my colleague respecting the reserved rights of the States. The Senator from Georgia said:

"When this Government was formed there was great difficulty, in the convention that framed the Constitution, about what should be the relations of the States to the General Government. They were entirely equal under the Confederation. Many of the lesser States struggled to retain their equality, but finally they yielded it in one branch of the National Legislature, and maintained it in the other. That was the result of the struggle. They agreed that numbers, that population throughout the United States, should govern in one branch of Congress, but that the other branch should represent the sovereignty of the States. I am quite sure my friend from Ohio [Mr. WADE] who has very fairly argued this question on his side, cannot place a higher estimate—it is impossible for any man to place a higher estimate—on the importance of the absolute sovereignty of the States of this Union than I do. I have maintained it throughout my political life, in good fortune and in evil fortune, that they were sovereign; that they were judges of the infraction of the compact, and of the mode and measure of redress; and I take it that he would be too afraid of the term 'nullifier' to extend his devotion to the sovereignty of the States as far as I claim that my own goes."

"Mr. WADE. I am as good a nullifier as you are."

"Mr. TOOMBS. I am glad to hear it. It is good doctrine. I think it is a good sign to hear the Senator make that declaration, especially after our troubles for the last eight or ten years. I have seen the time when I could not find a man, in either branch of Congress, to admit that he was one."

"Mr. WADE. I was not here then."—*Congressional Globe, first session Thirty-Fifth Congress, part three, page 2943.*

Mr. President, my colleague employed the phrase "make war" in speaking of a controversy which might arise between the State of South Carolina and the Federal Government. If it be a cause of war, as my colleague supposed, why not war according to the usage of civilized nations? They do not, as my colleague proposed, hang the prisoners. The Senator from Illinois [Mr. TRUMBULL] inquired, this morning, for a definition of rebellion. Was not George Washington a rebel by the same argument? And yet, sir, when the British commander threatened to treat American prisoners, taken in battle, as my colleague threatens to treat our Carolina prisoners, if we should have any, General Washington gave notice of retaliation at once. That ended the affair on both sides.

It is of no real importance, I repeat, whether we commence, or South Carolina commences. It will be a case of actual war in either event. The questions we have to decide, consequently, are those which I have propounded: shall we acquiesce in the peaceful separation of six States from the rest, or shall we engage in a war of which we cannot see the end; or shall we now address ourselves to the noble and high duty of attempting measures of conciliation, reconstructing and laying more deeply, more firmly than ever, the foundations of the Union as at present constituted, redressing all complaints, silencing every discontent, and doing this, not as partisans, but (if there be no better motive) by an instinct of self-preservation, and an earnest desire to perpetuate the Government which has been so valuable to us, the best Government which the heart of man could crave. It is no time, sir, in the very crisis of our national existence, to stand upon the question who should propose, or who should accept, terms of conciliation.

My colleague seems to imagine it the duty of the President, under his oath of office, to precipitate our whole country into civil war. He said that the President had sworn not to know that any State had seceded, or attempted to secede. Well, sir, I should like to be informed whereabouts an affidavit of such ignorance has been recorded. I am not advised of any thing like it. The President is under obligation, assuredly, to execute the laws of the land; but can we not suspend the execution of any law upon the statute-book? Can we not suspend it for a week, or a month, or six months, or six years, if the attempt to execute it, by force of arms, will provoke interminable war? In this regard, also, I commend the counsels of John Quincy Adams. He did not imagine, while he occupied the Presidential chair, that he was under any obligation to provoke, or to accept, such dire extremity. He did not believe that the Constitution of the United States bound him, inevitably, to precipitate the country into civil war. On the contrary, in his special message of February 5, 1827, Mr. Adams said:

"In abstaining, at this stage of the proceedings, from the application of any military force, I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them, one of paramount importance has been that these surveys have been attempted and partly effected under color of legal authority from the State of Georgia. That the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that, should they meet with interruption, they would, at all hazards, be sustained by the military force of the State; in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict must have ensued; which would, in itself, have inflicted a wound upon the Union, and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet, at the same time, impressed with the deepest conviction of my own duty to take care that the laws shall be executed, and the faith of the nation preserved, I have used the means intrusted to the executive for that purpose only those which, without resorting to military force, may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals."

And yet, sir, that was a case in which the Government was striving to maintain the pledged faith of a treaty, as against infraction by one of the States. When my colleague, or the Senator from Tennessee, assumes, therefore, to treat the act of persons bearing the commission of South Carolina as if it were only the act of individuals, I entreat them to consider the pertinent suggestions of Mr. Adams in a similar case. Such acts cannot be viewed as the acts of individual and solitary transgressors, but as the acts of persons obeying the mandate of a sovereignty, and to an extent which they believe, at least, it is binding upon them.

It will end in war; begin as it may, it will end in war. This idea of my colleague, that the Constitution of the United States, *ex proprio vigore*, compels the Executive, and even compels Congress, to engage in hostilities with a part of our own people; it is amazing to me, and utterly revolting. Why, sir, we have absolute discretion whether to declare war or to maintain peace in regard to foreign nations. If our citizens are abused, if our territory is invaded, or even possessed, by hostile array, we, the Congress of the United States, consisting of a Senate and a House of Representatives, may, if we deem it essential to our own interest, decline to authorize hostilities. Does any one deny that? Why, then, are we told that we have not as much liberty in deciding questions of war and peace with our fellow-citizens in South Carolina, as in deciding such questions with foreign nations? A war, too, in which, if my colleague be right, the unfortunate captives are not to be treated as we treat prisoners of another nation, but are to be executed in the most ignominious manner. Mr. President, I have not words to express my abhorrence of such a conclusion.

It is the lesson of history, that whenever a man would commit some atrocity without being responsible to his own conscience, he styles it doing God service. Persecutors, in all time, have burned or slain the body of their victim in order, as they alleged, to save his soul. What no Senator would do, upon his own responsibility, or from his own inclination—draw the sword upon a whole community of our people, scatter desolation and carnage throughout a State which, be her conduct ever so unjustifiable, has, at least, some cause of complaint—must it occur as if by the inexorable laws of fate? Where, in

our senatorial oath, can such an obligation be distinguished? No, sir; we cannot avoid the responsibility of such calamities, if they should occur, by charging it upon the Constitution of the United States, or upon our oath of office. We will be responsible for bloodshed, for civil war, for anarchy, if we do not avoid them. We can avoid them; but our responsibility we cannot avoid—responsibility to God and our country, and to all the civilized world.

My colleague thinks it of no consequence whether the mails be or be not carried in South Carolina; the people need not have them, he says, if they do not wish them. Nor does he consider it of any consequence whether the district and circuit courts of the United States are open or closed in that State from this time forth. But sir, the people of all the States are interested in the carriage of the mails through South Carolina, and the receipt and delivery of letters within it. And so with regard to the administration of justice. It is of more importance to the citizens of other States than to the citizens of South Carolina that the courts of the Federal Government should be kept open; because a citizen of South Carolina cannot be plaintiff in those courts except in a few cases.

We must decide the whole proposition one way or another. Shall we employ soldiers to carry the mail and deliver letters within the limits of South Carolina? Shall we appoint as judges the citizens of another State; and shall we surround them, while sitting upon the bench, with Federal bayonets? This will cost money, at least, and a great deal of it. We must burthen and tax our own constituents, therefore, to meet an expenditure so enormous. Why should we impoverish ourselves in order to enforce our laws against an unwilling people; and that, too, when we might win them back with no loss of money, and only an expenditure of kindness?

My colleague's idea seems to be that, because an act of Congress for collecting duties at Charleston may not be executed for two or three months, or even for a longer time, it behoves us to employ arms, and engage in war. Granted that South Carolina will violate the Constitution of the United States: must we, for that reason, and without any regard to consequences, draw the sword? The Senator from New Hampshire [Mr. CLARK] seems afraid that the "public property" in Fort Moultrie and Fort Sumter is not safe, and wishes the President to inform us immediately how many soldiers are in garrison at each; whether they are able to defend themselves against an attack; what arms and ammunition they have; and above all, what orders, secret or otherwise, have been transmitted to them. He could not even see the force of what was so well suggested by the Senator from Mississippi [Mr. DAVIS] in response, namely, that if any attack be apprehended, the worst thing we could do, possibly, would be to inform the assailants, through the newspapers, of the number of each garrison; the commands under which it must act; what is the armament of the fortresses, or their capacity to be defended. I apprehend no attack, at present, unless additional troops be ordered thither; and, rather than do that, as an act of mercy to the officers and soldiers now stationed at Charleston, I would have them withdrawn. God forbid that the glories of Fort Moultrie, won from the British fleet and army in 1776, should ever be washed away in the blood of our own soldiers and citizens! We are magnanimous enough, I hope, if we must have war with South Carolina, not to point the guns of any fortress erected for the defence of Charleston harbor against foreign enemies, into the streets of the city before which they stand.

As to this idea that we must vindicate the Constitution of the United States by force of arms, upon all occasions and without alternative, when we know that civil war will inevitably ensue, I deny it. Why, sir, let us examine the Constitution by that rule. Here, for example, is the tenth section of the first article: "*No State shall enter into any treaty, alliance, or confederation.*" Suppose a State should do so: it would be a palpable breach of duty on her part; but would any Congress of the United States declare war against her? "*Or grant letters of marque and reprisal; coin money.*" That is a vital power; it is delegated to Congress in terms by another clause, and here, as we observe, it is expressly forbidden to the States. I believe that some of the States have coined money nevertheless, and one of them may attempt it; for aught we can do, to-morrow. You would not attack any State government: so my colleague said. What then? Will you send our Army to tear down the mint; and, in case an officer of the State resists, will you prosecute him for treason? "*Emit bills of credit.*" Several States have emitted them; but no punishment was ever proposed. "*Make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.*" Suppose that South Carolina should grant a title of nobility to some man—I understood the Senator from Tennessee to be apprehensive yesterday on that point: will you disperse the Legislature by force of arms, or only enact a law requiring the man to renounce his title or suffer the penalty of treason? You would not, I fancy, do any of these things. Subsequently, in the same section, I read:

"No State shall, without the consent of Congress, lay any duty of tonnage; keep troops or ships of war in time of peace; enter into any agreement or compact with another State or with a foreign Power; or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

I presume there is no doubt that South Carolina now has troops, and, perhaps, ships of war. I observe, by the newspapers, also, that the Legislature of North Carolina has appropriated money for arming and equipping certain military companies. Does any one propose to treat the officers and privates of such companies as guilty of treason, or to disperse the companies whenever assembled by an armed force? Obviously, then, Senators, it cannot be that a mere violation of the Federal Constitution, and far less of Federal laws, would leave to Congress no discretion whether actual war should or should not be levied.

This having been shown, as I conceive, why should we not avoid war, if possible, with the authorities and the people of South Carolina? "Oh!" some objector will say, "we must collect the revenue." Yes, sir, men who care nothing whether the mails are or are not carried; whether justice be administered in the Federal courts or not; whether the people of South Carolina have any representation in Congress or any other advantage from the Government, insist, vigorously, and at all events, (most sacred constitutional vindication,) that we shall make as much money from those people, levy as much tribute on them, as possible. Well, suppose that we conquer them, all of them; disperse the Convention and the Legislature by arms; execute as traitors all the officers of the State: is that maintaining the Union? The Senator from Tennessee appeared to think so yesterday, if I rightly heard his speech. I think not. I think the Union would at once and necessarily be destroyed. We should have so much territory from the Atlantic ocean to the Savannah river as our conquered province; we should have so many prisoners, and, if we spare their lives, so many helpless subjects; but we should certainly have overthrown THE GOVERNMENT of the State, and South Carolina would be no more. We might erect some false image, instead of the State so demolished; but our true confederate—our sister—is dead:

*"Labitur exsangui, labuntur frigida leto
Lumina, purpureus quondam color ora reliquit."*

Mr. President, I am for peace and not for war; least of all, for a war so unnatural as this would be. I am for conciliation, and therefore in good faith will stand at the side of my honorable friend from Kentucky [Mr. CRITTENDEN] and earnestly endeavor to keep the door of compromise open as long as possible. Others may debate the abstract right, as they call it, of a State to secede; but my voice shall not engage in a clamor so dreadful. I esteem the path I have chosen to be the path of safety for all the States, and therefore the path of wisdom; not, indeed, that wisdom by which the people are sometimes betrayed, under specious phrases and soft pretenses, to their own ruin, kindling their hearts with hatred, and staining their hands with blood; but that wisdom, founded upon humane thoughts, by which nations continue to flourish and long maintain their liberties. I am opposed to the scheme, under what name soever disguised, of plunging our country into the abyss of violence, anarchy, and fatal dismemberment.

If the Prince of Wales, when lately admiring the magnificence of our domain, our luxurious cities, our noble rivers and lakes, our vast prairies, our sombre mountains, our smiling fields and plains, our stupendous works of public improvement, remembered—as, being doubtless familiar with all the glories of English literature, he may have remembered—the speech delivered by Edmund Burke, in the House of Commons, on the 22d of March, 1775, in favor of conciliation with the American colonies, he probably said to himself, or possibly to others: "Alas! alas! had my great grandfather, George III, listened to such counsels in time, and followed them, instead of attempting to collect the revenue and enforce the laws, by mere violence, while a complaining people stood before him with angry countenances and hearts almost turned to despair, this matchless jewel might have glittered this day as the proudest in my mother's diadem."

Mr. President, from that very speech allow me to give you the substance of the objections which I have urged at length:

"First, sir, permit me to observe that the use of force alone is but temporary. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed, which is perpetually to be conquered.

"My next objection is, uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no farther hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged, as alms, by an impoverished and defeated violence.

"A further objection to force is, that you impair the object by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole* America. I do not choose to consume its strength along with our own; because, in all parts, it is the British strength that I consume. I do not choose to be caught, by a foreign enemy, at the end of this exhausting conflict; and, still less, in the midst of it. I may escape; but I can make no insurance against such an event."

Senators, I did hope, fondly hope, that instead of refusing to accept terms of conciliation and honorable compromise; instead of madly provoking whole States and millions of people to what some of you call treason and rebellion; instead of giving them and ourselves to destruction upon the fatal conceit that our oaths to support the Constitution of the United States do not even allow us to pause in the presence of an unexampled crisis, we should all have agreed, ere this, in the adoption of measures calculated to stay the alarm which now pervades the country, and threatens our Union with perpetual overthrow. There is yet time; but time is very precious. Let us determine, first of all, that we will have no war, no bloodshed, if we are able in any manner to avoid it. War is no remedy in such a case; it is always a horrible visitation—horrible when waged for the best and holiest cause; but horrible indeed, and inexpressibly wicked, when waged without any cause, and by one portion of our people against another. Let us not hesitate to suspend the execution of whatever laws cannot be executed, at present, without violence; submit, if necessary, to a diminution of revenue; and thus, or farther, if necessary, through acts of generous confidence, avoid all danger of collision between Federal and State authorities, soothe apprehension everywhere, and be enabled calmly to proceed, by constitutional amendment, to the duty of securing forever the Union we shall have rescued, and ultimately restored, if not absolutely preserved.

Whether I have or have not spoken wisely, for my own sake, as an individual, I have now discharged my duty, as I understand it, toward God and my country; beyond that, in all sincerity, I have not inquired. I believe that the policy which my colleague announced—of entertaining no terms of conciliation and compromise, and at the same time, endeavoring to avoid the responsibility of civil-war by charging it upon the Constitution and the oath we have taken, will drive us all, North as well as South, into an abyss where re-union is impossible, where peace never can be restored, where the liberties of all the States will be utterly and hopelessly engulfed. If my colleague has truly expressed the determination of his and my constituents, I shall esteem it no loss, but an eminent and glorious distinction, to retire from public service while the flag of the Union yet floats above this Capitol, and calls together, in annual session, the ambassadors and representatives of thirty-three independent, free, and equal sovereignties. I have once declared to you, Senators, and now repeat, that your separate confederacies, Northern or Southern, have no charms for me; their promises of liberty, security, and endurance, kindle not my imagination, nor satisfy the desire of my heart. Let me, at least, no more frequent this palace after its proud GENIUS shall have departed; lest where now, in niche and upon column, or station, or pediment, I behold the sculptured effigies of past glory, there blaze forth, as by some horrible enchantment, from stony eyes and distorted features, the demon of discord and fraternal strife; while, instead of gorgeous inscriptions to THE UNION displayed on every side—above, beneath, and around—I see only the fingers of a man's hand writing over against the candlestick, upon the plaster of the wall, such dreadful words as pronounced the doom of Babylon:

"GOD HATH NUMBERED THY KINGDOM, AND FINISHED IT; THOU ART WEIGHED IN THE BALANCE, AND ART FOUND WANTING; THY KINGDOM IS DIVIDED, AND GIVEN TO THE MEDES AND PERSIANS."

It may be, for a while, that genial suns, and refreshing showers, and the providence of times and seasons will continue to repay the husbandman for his toil; that art and science and the comforts of civilization will bless our people as now; but over all the destroying angel, which has turned so many realms to deserts, will slowly, silently, inevitably, extend his pinions, until the fair places of this continent become like the faded seats of once imperial Republics in the Old World.